

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

BRIAN D. PIERCE,

Plaintiff,

-vs-

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS,

Defendant.

Civil Action
No. 03-173E

DEPOSITION OF: MARILYN BROOKS

DATE: April 18, 2005
Monday, 1:10 p.m.

LOCATION: Law Offices of Neal A.
Sanders, Esq.
1924 North Main Street Ext.
Butler, PA 16001

TAKEN BY: Plaintiff

REPORTED BY: Toni Rennebeck, RPR
Notary Public
NMR Reference No. 30781

ORIGINAL

PLAINTIFF'S
EXHIBIT

3

REPORTERS
Gibsonia, PA 724-444-4433

1 A. My supervisor.

2 Q. Who was that?

3 A. My supervisor then was Kyler, who has retired.

4 Q. How do you spell Kyler's last name?

5 A. K-Y-L-E-R.

6 Q. Was anybody present when Kyler allegedly told
7 you that you were being promoted as opposed to
8 being demoted?

9 A. Yes, secretary Beard.

10 Q. That's Jeff Beard?

11 A. Yes.

12 Q. Where did this conversation take place?

13 A. That took place in Harrisburg.

14 Q. What month of what year did this conversation in
15 Harrisburg take place between you, Kyler and
16 Beard?

17 A. May I say that there was another person there
18 too?

19 Q. Sure.

20 A. Also executive deputy secretary Shaffer.

21 Q. Does Shaffer have a first name?

22 A. John.

23 Q. Does Kyler have a first name?

24 A. He does but I don't remember what it is.

25 Q. And this conversation allegedly took place in

1 July of '04 in Harrisburg?

2 A. May of '04.

3 Q. What day in May?

4 A. I don't remember the exact date.

5 Q. Now, at the time you had this conversation in
6 Harrisburg, were you there physically or on the
7 phone?

8 A. I was there physically.

9 Q. What position did you have before they
10 transferred you back to Albion from Cambridge
11 Springs?

12 A. I was a superintendent 1 at SCI Cambridge
13 Springs.

14 Q. Now, at the time you had this meeting in May of
15 '04 in Harrisburg, Pennsylvania, you had known
16 the plaintiff, Brian Pierce, in this case as far
17 back as '95? Does that ring a bell?

18 A. I don't remember as far back as I knew him but I
19 did know him previous to working at SCI
20 Cambridge Springs. I knew him at SCI Albion but
21 I don't remember the exact years that he worked
22 there.

23 Q. I'll show you some papers that go back to '95
24 with your name on it and Pierce's name on it,
25 but we'll get to that in a minute.